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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/314,615	05/19/1999	GEORGE E. CARTER	99P7593US	5452

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/314,615

Applicant(s)

CARTER ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-14 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown US 5,822,406 in view of Knuth et al. US 5,400,393.

1.1 Regarding claim 1, Brown discloses an audio switching system for interfacing with a computer with in figures 1 and 2 (column 3, lines 48-66). The switching system is capable of switching audio signals between a plurality of audio transducers. Brown teaches:

a plurality of ports of Switching And Line Interface Circuitry 111 for communicating audio signals with a plurality of audio transducers (local telephone 201, speaker 220, microphone 227, handset 226, earphone 223), at least one of the audio transducers (local telephone 201) having off-hook capability;

a transducer switch (switching and line interface circuitry 111, SAFE 1, SAFE 2, and modem controller 112), coupled to the plurality of ports, that receives a configuration for the plurality of audio transducers and that, in response to detecting an

off-hook condition (column 4, lines 33-40, 56-60) of at least one of the audio transducers having off-hook capability, and said transducer switch includes:

- a controller (modem controller 112) for said configuration; and

- a switch (switching and line interface circuitry 111) coupled to said plurality of ports and said controller;

Brown states that the local telephone 201 is coupled to a detector, and a local phone off-hook detect (LPOHD) control signal is generated to inform the modem controller that local telephone 201 has been pick up (column 4, lines 21-33, 56-60). In addition, the LPOHD control signal is constantly monitored during a speakerphone mode (Figure 19; column 11, lines 65-67; column 12, lines 1-3). Brown also teaches detecting the status of the various audio transducers coupled to the Switch And Line Interface Circuitry 111, and allows a communications path to be established with any audio transducers (column 3, lines 59-64). Brown fails to explicitly teach that when the local telephone goes off-hook, local telephone's handset's earpiece and mouthpiece will replace an external speaker and an external microphone 227.

However, Knuth discloses a telephone answering device with speakerphone capability in figures 1 and 3. Knuth's device has plurality of audio transducers (speakerphone-speaker 28, speakerphone-microphone 34, handset-speaker, handset-microphone) (column 4, lines 36-52). Knuth teaches switching from speakerphone audio transducers to handset transducers (with off-hook capability) when the handset is being lifted from its cradle (column 8, lines 44-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the teaching of Knuth, so that audio signals would have been switched from hands-free audio transducers (external speaker and microphone) to the local telephone's transducers (handset) when the local telephone went off-hook, because such modification would have clarified the purpose of monitoring the LPOHD control signal, and would have enabled a user to switch from speakerphone mode to handset mode for private conversations over the local telephone.

1.2 Regarding claim 3, the Brown reference, modified by Knuth, teaches switching audio signals from hands-free audio transducers to off-hook transducers of telephone 201, but fails to teach switching audio signals back from the off-hook audio transducers to the external speaker 220 and microphone 227 when the control logic 18 receives a signal from the controller indicating the off-hook audio transducer goes on-hook.

However, Knuth further teaches switching audio signals back from the off-hook audio transducer to the hands-free (speakerphone mode) when the off-hook audio transducers go on-hook (column 8, lines 52-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the further teaching of Knuth so that when the local telephone went on-hook, audio signals would have been switched from the local telephone's transducers to other audio transducers, because such modification would have enabled a hands-free feature.

1.3 Regarding claim 4, the Brown reference, modified by Knuth, further includes a first switch (switch 216 and plug switches 218 and 225) for selecting one of the audio transducers that does not have off-hook capability and a second switch (switches 203 and 206) for selecting between the audio transducer selected by the first witch and an audio transducer that has off-hook capability.

1.4 Regarding claim 5, the Brown reference, modified by Knuth, comprises a controller 112 for receiving a configuration for the plurality of audio transducers (column 4, lines 21-33).

1.5 Regarding claim 6, the Brown reference, modified by Knuth, the off-hook transducer is a normal telephone (column 4, lines 56-60).

1.6 Regarding claim 7, the Brown reference, modified by Knuth, the plurality of audio transducers are microphone 227, headset 223, handset 226 and speakers 219 and 220, amplifiers 215, 217, 221 and 224, and a standard telephone 201 (figure 2).

1.7 Regarding claim 8, the Brown reference, modified by Knuth, comprising:
an audio circuitry (SAFE 1 and SAFE 2) that communicates audio signals between the transducer switch and the system, said system comprising a computer 100 (Figure 1B).

1.8 Regarding claim 9, the Brown reference, modified by Knuth, at least one of the audio transducers (standard telephone 201) is a telephony device.

1.9 Regarding claim 10, the Brown reference, modified by Knuth, inherently comprises a sound card (Digital Signal Processor 114; column 4, lines 47-48) internal to said computer system to process audio signals for the external speaker (Figures 1A and 1B).

1.10 Regarding claim 11, the Brown reference, modified by Knuth, does not teach using an external sound card. However, using an external sound card instead of an internal one is just a matter of design choice, because it does not change the configuration and functionality of a computer system.

1.11 Regarding claim 12, the Brown reference, modified by Knuth, is used for computer telephony (column 9, lines 53-65; column 11, lines 65-67; column 12, lines 1-3).

1.12 Regarding claim 13, the Brown reference, modified by Knuth, is used for messaging system (column 9, lines 1-16; column 8, lines 59-67; Figures 4 and 5).

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1.13 Regarding claim 14, Brown discloses a method for managing audio transducers of a computer telephony system in figures 1 and 2 (column 3, lines 48-66), comprising steps of:

receiving a configuration for a plurality of audio transducers (column 4, lines 6-10; figure 19), said configuration specifying that audio signals are to be sent to an external speaker 220 (first audio transducer) and received from microphone 227 (second audio transducer) (column 9, lines 32-47);

Brown states that a local telephone 201 is coupled to a detector and a local phone off-hook detect (LPOHD) control signal is generated to inform the computer system that local telephone 201 has been pick up (column 4, lines 21-33, 56-60). In addition, the LPOHD control signal is constantly monitored during a speakerphone mode (figure 19). Brown fails to explicitly teach that when the local telephone goes off-hook, audio signals are sent to and receive from the local telephone (third audio transducer).

However, Knuth discloses a telephone answering device with speakerphone capability in figures 1 and 3. Knuth's device has plurality of audio transducers (speakerphone-speaker 28, speakerphone-microphone 34, handset-speaker, handset-microphone) (column 4, lines 36-52). Knuth teaches switching from speakerphone mode to normal telephone mode when the handset is being lifted from its cradle (column 8, lines 44-52), which inherently switched speakerphone transducers to handset transducers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Brown reference with the teaching of Knuth so that audio signals would have been switched from an external speaker and microphone to the local telephone (third audio transducer) when the local telephone went off-hook, because such modification would have clarified the purpose of monitoring the LPOHD control signal, and would have enabled a user to have telephone conversations in private.

1.14 Regarding claim 16, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown teaches that the configuration (operating mode) is pre-set (table 1, columns 6-7). Therefore, it is inherent that when the local telephone goes on-hook, the operating mode will reset to its original configuration.

1.15 Regarding claim 17, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches setting the configuration in an audio device between the plurality of audio transducers and a computer system, wherein said configuration is received from the computer system (column 4, lines 6-10, 25-33).

1.16 Regarding claim 18, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches that

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the configuration is inputted by a user utilizing a graphical user interface (column 4, lines 11-14).

1.17 Regarding claim 19, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches:

allowing a user to select one of an input or output audio transducer (column 4, lines 6-10, 25-33); and

automatically selecting a default corresponding input or output audio transducer according to the user's selection (column 4, lines 33-37).

1.18 Regarding claim 20, the Brown reference, modified by Knuth, teaches that the third audio transducer is a telephony device and is turned on by going off hook as discussed in claim 14.

1.19 Regarding claim 21, the Brown reference, modified by Knuth, teaches switching audio transducers when a local telephone goes off-hook. Brown further teaches setting the configuration in an audio device coupled to the plurality of audio transducers, said audio device inherently including a sound card (column 4, lines 6-14; Figures 1A and 1B).

Response to Arguments

2. Applicant's arguments filed on 02/19/2004 have been fully considered but they are not persuasive.

The applicant argues that the Brown does not teach switching local telephone 201 is not switched between other transducers, such external speaker 220 and microphone 227 (page 7, paragraph 7 of the Remark). In contrary, Brown teaches using switches 203 and 206 to switch between local telephone 201, and external speaker 220 and microphone 227 as shown in figure 10 (telephone mode) and figure 19 (speakerphone mode). As shown in figure 10, local telephone 201 is switched (connected) to telephone jack 207, and all other transducers are switched out, and as in figure 19, local telephone 201 is switched out (disconnected) from telephone jack 207, and other transducers are switched in, by switches 203 and 206.

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

04/14/2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

